IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 11536 of 2001

Between:

Dachuru Murali Krishna, Hindu S/o. Pothuluraiah,
R/o. 14/172 Post Office Street, Porumamilla,
Cuddapah District.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise,
Nampally, Hyderabad,
Andhra Pradesh.
2 The Deputy Commissioner, Prohibition & Excise,
Kurnool.
3 The Inspector of Police, Prohibition & Excise,
Badvel, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order more in the nature of Writ of Certiorari after calling for the records pertaining the 1st respondent in its proceedings Cr.No.916/2001/DPE/D2 dt. 9.4.2001 and consequently the confiscation orders passed by the 2nd respondent in its Rc.No.B2/538/2000 dt. 16.11.2000 as illegal, arbitrary, unconstitutional and further direct the respondents to release the vehicle bearing No.PY-01-E-4073.

Counsel for the Petitioner:MR. SAIBABU BELLAMKONDA

Counsel for the Respondent Nos. 1 to 3: GP FOR PROHIBITION & EXCISE

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.11536 OF 2001

ORDER:

The petitioner challenges the proceedings of first respondent dt.9.4.2001 whereby and whereunder first respondent rejected the appeal filed by petitioner under Section 13C of the A.P.Prohibition Act, 1995 as time barred. The petitioner claims to be the owner of jeep bearing No.PY-01-E4073. Third respondent seized the vehicle in connection with Crime No.85/99-2000 and 12.3.2000 on allegation that jeep was involved in transporting arrack cans. Second respondent initiated proceedings for confiscation under Section 13 of the Act. After receiving show cause notice, petitioner herein submitted explanation. He stated that the driver of the jeep allegedly carried arrack in a can without his knowledge and therefore the jeep is not liable for confiscation. Second respondent, however, rejected the explanation and ordered confiscation of the jeep under Section 13(2) of the Act, on 16.12.2000. Aggrieved person is required to file appeal before first respondent within sixty days from the date of the order. However, the petitioner presented appeal on 20.3.2001 which was rejected by first respondent.

The petitioner admittedly did not move any separate application seeking condonation of delay. In the absence of any such application, this Court does not find any infirmity or illegality in the proceedings of first respondent in dismissing the appeal as time barred. No valid submission is raised nor argued in support of the Writ Petition.

The Writ Petition is accordingly dismissed.

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(V.V.S.RAO, J)

5.7.2005

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To

1 The Commissioner of Prohibition & Excise,
Nampally, Hyderabad,
Andhra Pradesh.
2 The Deputy Commissioner, Prohibition & Excise,
Kurnool.
3 The Inspector of Police, Prohibition & Excise,
Badvel, Cuddapah District.

4 2 CCs to G.P. for Prohibition & Excise, High Court Bldgs.,

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